

RESPONSE TO COMMENTS

PROPOSED ORDER NO. R3-2020-0006

GENERAL WASTE DISCHARGE REQUIREMENTS FOR THE MANAGEMENT AND BENEFICIAL REUSE OF PETROLEUM IMPACTED SOILS ON ACTIVE OIL LEASE AND FEE PROPERTIES IN THE CENTRAL COAST REGION

The Central Coast Regional Water Quality Control Board (Central Coast Water Board) provided opportunity for the public to review and provide early input and submit written comments on the draft General Waste Discharge Requirements Order No. R3-2020-0006 for the Management and Beneficial Reuse of Petroleum Impacted Soils on Active Oil Leases and Fee Properties in the Central Coast Region (referred to as draft General Order). This document describes the public input process and contains Central Coast Water Board staff's responses to the written comments received on the draft General Order during the public comment period. Staff considered all comments received during the public input process to prepare the proposed General Order.

Early Outreach

Prior to circulating the draft General Order for public comment, Central Coast Water Board staff circulated a "preliminary" draft General Order for review and comment by interested parties on October 28, 2019. Interested parties included representatives from oil industry, environmental organizations, and environmental justice organizations. In addition, Central Coast Water Board staff met with members of the oil industry, including representatives of Western States Petroleum Association (WSPA) to inform them of the process to develop the draft General Order and to obtain early input from the regulated community.

A preliminary draft review process is not required by law or policy, however Central Coast Water Board provided an early opportunity for oilfield operators and other interested parties to provide input to the process to maximize water quality protection while allowing for the beneficial reuse of petroleum impacted soils on active oilfield leases and fee properties. Central Coast Water Board staff did not develop written responses to comments on the preliminary draft, however comments received on the preliminary draft were used by staff to develop the draft General Order.

Response to Written Comments

Central Coast Water Board staff released the draft General Order for a 30-day public comment period starting on February 12, 2020 and ending on March 13, 2020. A copy of the public notice and draft General Order are available on the Central Coast Water

Board's website¹. Written comments were received during this period from the following three individuals.

- Najeli Gomez, Asset Administrator, GSR, LLC
- Amy Roth, Vice President of Regulatory Affairs, E&B Natural Resources Management Corporation
- Jeff Johnson, Health, Environment, and Safety Advisor – Water, Chevron North America Exploration and Production Company

Central Coast Water Board staff considered the comments received to develop the proposed General Order. The responses to the written comments received are provided below. Please note that in some cases the numbering referenced in the written comments have since been revised and are no longer accurate. Staff included the comment as written by the commenter without any modifications. However, staff included the correct numbering in the response, when appropriate.

The comment letters are available to download at:

<https://ftp.waterboards.ca.gov/?u=item9&p=public>

Najeli Gomez, Asset Administrator for GSR, LLC
Comment Letter Dated: March 13, 2020

GSR Comment 1 – Since the General Order would only authorize waste pile management facilities (WPMF) and beneficial reuse projects on active oilfield leases and fee properties, there needs to be a provision that, upon the oilfield lease or fee property becoming inactive, the Board will promptly issue an enforcement order to the Discharger to remove the WPMF and/or beneficial reuse project. Accordingly, "active" should be defined. For example and consistent with other State agencies such as CalGEM: any well, pipeline, tank or other surface equipment located on the oilfield lease or fee property that is in use by the Discharger and has not been idle during the past 24 consecutive months.

Central Coast Water Board Response – Prohibition A.2 of the proposed General Order prohibits the discharge of petroleum impacted soils not specifically authorized by the General Order. If a lease or fee property is not active, it no longer meets the criteria for coverage under the proposed General Order. Additionally, Provision F.15 addresses actions oilfield operators must take when coverage under the proposed General Order is not maintained, including instances when an oilfield becomes inactive. In response to the request to define active lease and fee properties, Central Coast Water Board staff added a footnote to Finding 2 in the proposed General Order that defines active fields as those not identified as abandoned by California Geologic Energy Management Division (CalGEM).

¹ https://www.waterboards.ca.gov/centralcoast/board_decisions/tentative_orders/

GSR Comment 2 – The "Findings" at 5 provide that oilfield owners and/or operators who were previously enrolled under Order No. R3-2010-0036 for the management of soils at an authorized WPMF and who will seek coverage under the proposed General Order shall file a Notice of intent (NOI) within 90 days of adoption date of the proposed General Order. However, since any WPMF or beneficial reuse project that is not authorized by the proposed General Order shall be prohibited:

GSR Comment 2, Part 1 – (1) So, too, should there be a similar requirement by oilfield owners and/or operators to file a Notice of Intent (NOI) within 90 days for previous enrollment under Order No. R3-2010-0037 for beneficial reuse projects.

Central Coast Water Board Response – In response to this comment, Central Coast Water Board staff included a modification in Finding 5 of the proposed General Order to identify Order No. R3-2010-0037.

GSR Comment 2, Part 2 – There needs to be a provision that if an oilfield owner and/or operator fails to timely file an NOI and/or fails to file a complete NOI acceptable by the Board that meets the requirements set forth in Attachment B, the Board will promptly issue an enforcement order to the owner/operator to remove the WPMF and/or beneficial reuse project; and

Central Coast Water Board Response – If an oilfield operator fails to achieve coverage under the proposed General Order, the non-permitted waste pile management facility and beneficial reuse program would be considered a non-permitted discharge to land under the California Water Code. Pursuant to the California Water Code, the Central Coast Water Board has the authority to pursue enforcement actions on non-permitted discharges to land.

GSR Comment 2, Part 3 – There needs to be a provision that if an oilfield owner and/or operator is not in compliance with the requirements of Order No. R3-2010-0036 or 0037 for their WPMF and/or beneficial reuse project(s) on the adoption date of the proposed General Order, then they are precluded from filing an NOI and the Board will promptly issue an enforcement order to the owner/operator to remove the WPMF and/or beneficial reuse project(s).

Central Coast Water Board Response – Central Coast Water Board staff considers a variety of information when evaluating if it is appropriate for an operator to enroll under a general order, including compliance history. Central Coast Water Board staff is committed to working with oilfield operators to ensure they meet the requirements of the proposed General Order. If the Central Coast Water Board determines that an operator is unable to comply with these requirements, then the Central Coast Water Board will not issue a notice of applicability (NOA). Therefore, a specific preclusion is not warranted. Central Coast Water Board staff does not recommend making any change in response to this comment.

GSR Comment 3 – The "Prohibitions" at 3 provide that disclosure to and written consent of the landowner is required and must be delivered to the Board for the construction and operation of a WPMF. However:

GSR Comment 3, Part 1 – So, too, should there be a similar requirement of disclosure to and written consent of the landowner for the construction and operation of a beneficial reuse project.

Central Coast Water Board Response – Central Coast Water Board staff included a modification in the proposed General Order in response to this comment. Staff added Prohibition A.5, which reads as follows: *The construction of beneficial reuse projects without the disclosure and written consent of the landowner, a copy of which must be provided to the Central Coast, is prohibited.*

GSR Comment 3, Part 2 – Accordingly, Form 200 as part of the NOI requirements as set forth in Attachment B needs to be revised to include the required delivery to the Board of the written disclosure to and consent by the landowner for a WPMF and/or beneficial reuse project on the subject land;

Central Coast Water Board Response – Central Coast Water Board staff included a modification in the proposed General Order in response to this comment. Staff revised Attachment C to include landowner disclosure as part of the information needed in the NOI technical report.

GSR Comment 3, Part 3 – This requirement of landowner's written consent should apply to both proposed and existing WPMFs and beneficial reuse projects for which oilfield owners/operators will seek coverage under the Proposed General Order. It is proper to require landowner's written consent for existing WPMFs and beneficial reuse projects that were previously enrolled under prior Orders because that enrollment ultimately expired in September 2017. Landowners' consents were presumably conveyed only for so long as the Orders were in effect. The 2005 Orders were seamlessly extended another 5 years in 2010 and another 2 years in 2015 without interruption ... until the current gap from 2017 to date. During this time, the WPMFs and beneficial reuse projects were, and continue to be until adoption of the proposed General Order, prohibited. Under these circumstances, it is not unreasonable for the Board to require renewed landowner's written consent for existing WPMFs and beneficial reuse projects in order to enroll, anew, under the proposed General Order. Just like the Board setting forth requirements for its approval of the existing WPMFs and beneficial reuse projects, landowners should be given the same opportunity to require their written consent before enrollment.

Central Coast Water Board Response – Prohibition 3 and Prohibition 5 of the proposed General Order requires all Dischargers to provide to the Central Coast Water Board a copy of the landowner's written consent. Unless limited in the consent itself, a landowner's written consent is presumed to be in effect until it is terminated. Central Coast Water Board staff does not agree that landowner consent for construction or

operation of a waste pile management facility and/or beneficial reuse project(s) granted under prior Orders has expired or been withdrawn without clear evidence that a landowner has so terminated their consent. However, the expired conditional waivers only required that Dischargers provide landowners with written notice and disclosure and submit a copy of such written notices to the Central Coast Water Board. Therefore, existing waste pile management facilities and beneficial reuse projects that do not have written consent from the landowner will be required to attain written consent prior to enrollment under the proposed General Order. Central Coast Water Board staff does not recommend making any change in response to this comment.

GSR Comment 4 – The "WPMF Specifications" at 5 require that, if coverage under the proposed General Order is ever terminated, the Discharger shall restore the site to the same condition prior to construction and operation of the WPMF if the facility was constructed using waste soils. Likewise, there should be the same restoration requirement upon termination of coverage under the proposed General Order inserted for beneficial reuse projects under "Beneficial Reuse Project Specifications".

Central Coast Water Board Response – Central Coast Water Board staff does not recommend making any change in response to this comment. Provision 15 of the proposed General Order (which has replaced Beneficial Reuse Specification D.5) requires either the removal of all beneficial reuse projects or, provided that the landowner agrees, the material may be left in place if a deed notice is submitted to the county in which the site is located. See Provision 15 language below.

“Within 60 days following the cessation of waste pile management operations or the effective date of change in property ownership/responsibility, the Discharger shall submit a notice of termination and a facility closure report plan detailing the proposed facility closure procedures that will ensure the entire facility is restored to its original state. Specifically, the closure report plan shall outline the proposed steps and implementation schedule to completely remove and appropriately dispose of all petroleum-impacted soils from all storage, treatment, processing areas, and beneficial reuse projects. Waste soil used in the construction of a waste pile management facility liner or beneficial reuse projects may be left in-place provided that the surface rights owner agrees with the operator in writing to accept joint and future liability, including maintenance, monitoring, and if necessary, disposal of the waste soils. Such an agreement shall not relieve the Discharger of any liability they would have had absent the written agreement. All waste soils that are removed shall be handled and disposed in accordance with applicable local and state requirements in effect at the time of such removal. For those facilities where waste soils are to be left in-place, the Discharger shall record a deed notice with the recorder of the county in which the site is located, that identifies the prior use of the property as an oilfield facility where waste soils were left in-place.”

GSR Comment 5 – The "Provisions" at 15 require the Discharger, within 60 days following the cessation of WPMF operations or the effective date of change in property ownership/responsibility, to submit a notice of termination and a facility closure report plan detailing the proposed facility closure procedures that will ensure the entire facility is restored to its original state. Likewise, there should be the same notice and closure report plan requirement when the beneficial reuse projects are no longer in operation or the effective date of change in property ownership/responsibility.

Central Coast Water Board Response – Central Coast Water Board staff included a modification in the proposed General Order in response to this comment. Staff revised Provision F.15 to include beneficial reuse projects.

GSR Comment 6 – The "Provisions" at 21 require the Discharger to notify the Board in writing at least 1 week following any changes in ownership or control of a WPMF. This should be expanded to include any beneficial reuse project, too. Also, the surface rights owner(s) of land upon which a WPMF and/or beneficial reuse project is situated should receive the written notification, as well, and at the same time as the Board, by cc.

Central Coast Water Board Response – Central Coast Water Board staff included a modification in the proposed General Order in response to this comment. Staff revised Provision F.20 to require the Discharger to take specific actions when a lease or fee property changes ownership or control. This revision will capture ownership changes for both waste pile management facilities and beneficial reuse projects.

GSR Comment 7 – The "Provisions" at 21 further require a prospective new owner or operator of a WPMF to submit an NOI for enrollment under the proposed General Order prior to the change in ownership or control of the facility in order to maintain regulatory coverage of the WPMF, while the Discharger shall submit a notice of termination. This should be expanded to apply to beneficial reuse projects, too. Provided the landowner's written consent requirement is added to the NOI as commented above, the surface rights owner will therefore, as is necessary, be included in this due process to either consent or object to the proposed transfer. Also, the timeframe "prior to" lacks specificity and a quantified time should be identified sufficient for the Board to ultimately approve (or deny) the NOI; otherwise, the intent of this provision is circumvented by a prospective new owner or operator submitting an NOI as minimally as one day prior to the change in ownership or control, and still be in compliance after the transfer has occurred.

Central Coast Water Board Response – Central Coast Water Board staff included a modification in the proposed General Order in response to this comment. In response to requiring the submittal of an NOI when ownership of property with a beneficial reuse project changes, staff modified Provision F.20 to require action when a lease or fee property changes ownership.

The lack of specificity with regards to the timing of the NOI submittal is necessary due to the nature of ownership changes. Central Coast Water Board staff will work with oilfield operators to ensure the completeness of the NOI. If the oilfield operator is unable to

attain coverage due to an insufficient NOI, enforcement actions will be considered under the California Water Code.

GSR Comment 8 – Attachment C, (A)(4) should be revised from "Property owner" to "Landowner" to clarify that it is the surface rights owner information requested, just as it is stated in Form 200.

Central Coast Water Board Response – Central Coast Water Board staff included a modification in the proposed General Order General Information section A.4 of Attachment C in response to this comment.

GSR Comment 9 – Attachment C, (B)(3) and (4) should require landowner's written consent as part of the requirements for existing and new WPMFs.

Central Coast Water Board Response – Central Coast Water Board staff modified General Information section A.5 of Attachment C to require written consent from the landowner(s) where waste pile management facilities and/or beneficial reuse projects are, or will be, constructed.

GSR Comment 10 – Attachment C, (C)(l) provides for new beneficial reuse projects, but there should be a provision included for existing projects ... and the requirement of landowner's written consent for both new and existing projects.

Central Coast Water Board Response – See Central Coast Water Board Response to GSR Comment 3 above.

GSR Comment 11 – The swift dispatch or severity of enforcement by the Board of a non-compliant Discharger is not clearly described in the proposed General Order. If there is a separate Board policy, it should be referenced and incorporated. The concern is how long will the Board tolerate a Discharger who is out of compliance before issuing an enforcement order to remove a WPMF and/or beneficial reuse project. If a Discharger is out of compliance is there, or should there be, a presumption that there exists a threat to water quality and only if the operator rebuts this presumption by coming into compliance, promptly, will the threat be overcome?

Central Coast Water Board Response – Central Coast Water Board staff included a modification in the proposed General Order in response to this comment by adding Provision F.27 to describe methods to evaluate compliance and enforce requirements consistent with the State Water Board's Enforcement Policy.

Amy Roth, Vice President of Regulatory Affairs, E&B Natural Resources Management Corporation
Comment Later Dated: March 13, 2020

E&B Comment 1 – While there were some minor wording and operational revisions from the Preliminary Draft Order that was made available to oilfield operators and

interested parties on October 28, 2019, the requirements in the draft general order that was available to the public and interested stakeholders on February 12, 2020 continue to be onerous. If these requirements are implemented as proposed, the rule may have unintended consequences. Our company may determine the best overall decision is to truck the materials to landfill for disposal rather than implement this order. E&B's nearest active non-hazardous landfill is approximately 50 miles away, in McKittrick, CA located in Kern County. This would not be the best environmental alternative. Not to mention, the inability to utilize beneficial reuse materials to maintain our roadways would result in the need to use fresh water for dust control throughout both of our leases in the Cuyama Valley. Both leases are located in a critically over drafted groundwater basin.

Central Coast Water Board Response – Central Coast Water Board staff appreciates the comment but disagrees that the changes between the preliminary and draft General Order were minor wording and operational revisions. The requirements in the proposed General Order are necessary to protect water quality. In response to early input and comments from the regulated community, Central Coast Water Board staff incorporated changes to the draft General Order that significantly reduced the chemical characterization requirements from those proposed in the preliminary draft General Order. This reduction in chemical characterization (i.e., waste soil sampling) represents a substantial cost reduction between the preliminary and draft General Order. In addition, Central Coast Water Board staff removed the cradle to grave tracking requirements included in the preliminary draft. The removal of these cradle to grave tracking requirements brings the tracking requirements back to those required under the expired conditional waiver.

The proposed General Order is generally consistent with the expired conditional waiver program, with two key differences; (1) the proposed General Order requires oilfield operators to demonstrate complete containment at the waste pile management facility and (2) oil field operators must now plan, and report annually, beneficial reuse projects and identify the specific management practices and/or “Good and Workmanlike” standards implemented for each project. Therefore, Central Coast Water Board staff conclude that the requirements in the proposed General Order are necessary to protect water quality and reasonable compared to the expired conditional waiver program.

E&B Comment 2 – This draft order requires a massive increase in resources to plan, inspect, monitor, document and report for compliance. The amount of time it will take for plan development, implementation, training and continuous updating to comply by the proposed regulations appears infeasible. Many of the additional required documents are redundant which we communicated in our prior letter.

Additional Reports and Plans

The draft General Order proposes several additional new plans at a minimum:

- Site-Wide Beneficial Reuse Project Plan
- Waste Soil Chemical Characterization Sampling Plan
- Waste Pile Management Facility Annual Data Submittal and Inspection Report

- Ground Water Sampling and Monitoring Plan (if installation of groundwater monitoring well or network is needed)
- Possible enrollment in the Construction Storm Water General Permit

Operators must develop reports and plans, implement new procedures, train personnel and retain documentation. These additional plans will create hardships for the collection of data and add complicated training regimes as well as potentially requiring the use of consultants which we do not need today. It could take full-time resources to meet these requirements. We are a small company and have one dedicated person for regulatory compliance for the site. Note this change in resources is not possible as these fields have been economically marginal to the company at significantly higher oil prices than we have at present. We may not be able to implement this order and add these resources and maintain the field economics.

Central Coast Water Board Response – The requirements contained in the proposed General Order that authorize the discharge of waste related to the operation of waste pile management facilities and beneficial reuse projects are critical to ensure that the discharge does not pose a significant threat to water quality. Many of the requirements included in the proposed General Order were required in the expired conditional waiver programs. For example, annual data submittals and inspection reporting (see section B.4 of Attachment B to Order No. R3-2010-0036 and section D.11 of Attachment B to Order no. R3-2010-0037), groundwater monitoring plans (see section C.2 of Attachment B to Order No. R3-2010-0036), and possible enrollment in the Construction Storm Water General Permit (required for any construction activity that results in a land disturbance equal to or greater than one acre in accordance with WQO-2009-0009) were all required under the expired conditional waiver program.

The Site-Wide Beneficial Reuse Project Plan and Waste Soil Chemical Characterization Sampling Plan are new reports required by the proposed General Order and will be discussed in greater detail in Central Coast Water Board responses below. However, much of the information that is required to be included in the Site-Wide Beneficial Reuse Project Plan was required in the annual data submittal under Order No. R3-2010-0037. Therefore, Central Coast Water Board staff conclude that reporting required by the proposed General Order is reasonable and do not agree with the assertion that it will require substantially greater resources in comparison to the reporting required to comply with the expired conditional waivers.

E&B Comment 3 – Site-Wide Beneficial Reuse Project Plan: The draft order defines "beneficial reuse" as the practice of using non-hazardous waste soils in the construction of oilfield infrastructure as, but not limited to, road pavement and berms. Under the new draft order, each Operator must develop and submit a Site-Wide Beneficial Reuse Plan (annually) to the Executive Officer. The plan outlines the project summary for that year, specifies a strategy to limit time waste soils are stored within WPMF, etc. Annually, Operators must report what projects were completed the year prior, etc. The draft general order stipulates what projects are acceptable and the WPMF shall be used only for temporary storage of materials. If Operators are managing their facility in compliance

with the general order, and only non-hazardous material is being stored, this plan is redundant and un-necessary. An additional set of project inspections will be required for this plan, as well, which are not adding value.

Additionally, the company will not have a comprehensive list a year in advance of the projects for berms and roads and therefore it is infeasible to provide a complete list with exact locations, quantities in advance. The project list also will change throughout the year based on evolving business priorities which will add workload to the Water Board. We don't see value add for the Board knowing specifically locations where the non-hazardous material will be used in the oil field, one year in advance of doing so. We could provide estimates of usage and quantities, but exact locations would only be a forecast subject to change.

Central Coast Water Board Response – While the proposed General Order specifies, but does not limit, the types of beneficial reuse projects that may be constructed, it does not specify the specific management practices that are necessary to protect water quality for an individual beneficial reuse project. It is the responsibility of the oilfield operator to determine what specific management practices are necessary for an individual site-specific beneficial reuse project. The Site-Wide Beneficial Reuse Project Plan requires oilfield operators to identify these management practices prior to construction, document that they are implemented during construction, and monitor the effectiveness of these management practices after construction is complete. This approach provides oilfield operators the flexibility to manage these wastes without requiring strict volume and duration limitations, while also providing Water Board staff with the tools necessary to minimize excessive stockpiling of waste soils and to maximize the effectiveness of management practices to protect water quality.

While Central Coast Water Board staff understands that some oilfield operators currently do not plan future beneficial reuse projects, sufficient information has been collected under the expired conditional waiver program to do so moving forward. This planning will require additional resources for some oilfield operators; however, it is necessary to document these management practices to demonstrate compliance with the State Water Resources Control Boards Antidegradation Policy Resolution 68-16 (Antidegradation Policy). Additionally, the proposed General Order recognizes that not all planned projects will be completed each year and therefore requires confirmation of completed projects in the annual updates.

E&B Comment 4 – Waste Soil Chemical Characterization Sampling Plan: The draft general order requires material characterization and clearly outlines prohibited materials. It seems redundant and un-necessary for operators to develop a plan that outlines the sampling information already required by the draft general order. We want to thank you for the revision to the required sampling frequency and for limiting the sampling to "specific waste stream" instead of "specific source of contamination". We continue to request the deletion of this or a simplification of this requirement to only conditions beyond what is required in the general order, if that is the intent.

Central Coast Water Board Response – The Waste Soil Chemical Characterization Sampling Plan is a one-time plan that sets up the sampling protocol individual oilfield operators will use to collect representative samples. This would include defining the sample collection procedure, identifying the oilfield specific constituents of concern and the laboratory methods necessary for analyzing these constituents, defining the minimum method detection limit and practical quantitation limit for each of these constituents, identifying field and laboratory quality control measures, etc. The minimum requirements of this plan are defined in section A.1 of the Monitoring and Reporting Program of the proposed General Order. This is different than the proposed General Order requirements for sampling which define the minimum list of constituents of concern and minimum sampling frequency.

E&B Comment 5 – Waste Pile Management Facility Specifications: As proposed, both WPMFs would require an engineer's evaluation of their existing liners. If complete containment cannot be certified by a CA Licensed Professional Engineer or Professional Geologist, groundwater monitoring wells, or networks, will need to be installed (at least one at each site) and monitoring and sampling plans developed, implemented and documentation kept.

Item 35 of Attachment B mentions the installation of a groundwater monitoring network. If the installation of a groundwater monitoring well or network is necessary, the criteria for groundwater monitoring (i.e., device quantity per square feet of facility, acceptable devices for monitoring, etc.) would be beneficial for potential participants in this program as this criterion may play a role in determining an operator's participation.

Central Coast Water Board Response – Groundwater monitoring well network design is site and discharge specific (site geology, depth to groundwater, gradient, local groundwater pumping and use, etc.) It would not be effective for Central Coast Water Board staff to make generalized recommendations or requirements as suggested in this comment.

E&B Comment 6 – Facility and Project Inspections: The draft order requires more monthly facility inspections and additional documentation each year for WPMF and beneficial reuse projects- this is anywhere material is reused in the large 5 square mile operation at our South Cuyama oil field and 3 square mile operation at our Russell Ranch oil field. This will take dedicated resources just to complete the constant on-going inspections across both oil fields during six months of the year and are redundant. Regulated facilities subject to stormwater coverage under the Industrial General Permit (IGP) are required to conduct monthly visual observations and monthly Best Management Practices (BMPs) inspection and complete the required reports for these observations and inspections. The information gathered through these observations and inspections are redundant of what would be required by the draft General Order. Operators who are required to obtain coverage under the IGP should be allowed to utilize their monthly visual observations and monthly BMP inspections as the facility and project inspections that would be required by the General Order. This will reduce some workload in regard to redundant inspections required by different divisions of the Water

Board but serve as a common purpose to document and record the inspections required for these programs.

If defects have been observed, a repair workplan will need to be submitted to and approved by the CCRWQCB. We propose that this requirement be changed to material defects. Otherwise, very small issues will require oversight and approvals which do not have a material impact.

Central Coast Water Board Response – Best management practices required by the proposed General Order may, or may not, be consistent with the best management practices for other oilfields facilities regulated under Natural Pollutant Discharge Elimination System (NPDES) permits. When these management practices overlap, Central Coast Water Board staff encourages oilfield operators to conduct one visual inspection to satisfy both permits. However, the proposed General Order requires oilfield operators to define best management practices for each beneficial reuse project and confirm that the management practices are effective through the required visual inspection monitoring program. Central Coast Water Board staff determined that the visual inspections required under the proposed General Order are necessary to protect water quality and not overly burdensome. The visual inspections required by the proposed General Order does not require significant documentation unless water quality or containment issues are observed.

The proposed General Order requires that oilfield operators submit a repair workplan only when waste pile management facility liner defects are observed. Central Coast Water Board staff does not agree that this requirement should be limited to material defects as structural and design defects have the potential to adversely impact water quality.

E&B Comment 7 – Record Keeping Requirements: In addition to the documentation and time needed for the facility inspections, Operators will need to develop a tracking system to record each source load entering the WPMF and then being beneficially reused. An oil field can have a life of 100 years. The practicality of tracking every quantity (large or small) of materials used for berms or roads seems impractical over this length of time and after 100 years it seems unclear what value the source loads will have in the remediation of the field since the materials are required to be non-hazardous before being beneficially reused. If the material is deemed non-hazardous and the Operator has the documentation to provide as such, the quantity tracking of this material should not be required.

Central Coast Water Board Response – As described in Central Coast Water Board Response to E&B Comment 1 above, the draft General Order removed the source load tracking requirements included in the preliminary draft General Order and retains the tracking requirements required under the expired conditional waiver. Without sufficient tracking, Central Coast Water Board staff would be unable to confirm that oilfield operators are using waste soils in compliance with the provisions of the proposed General Order.

E&B Comment 8 – Water Quality Limitations: Item 2 states the Executive Officer may require Dischargers to install groundwater and surface water monitoring devices, as deemed necessary to comply with this General Order. There are no criteria listed for consideration of whether the Executive Officer may require installation of groundwater and surface water monitoring devices. We would like additional detail as to the triggers which would require additional monitoring.

We also would like to see language that groundwater monitoring is not required if an operator can demonstrate through a geologic study that no groundwater would be impacted by the operation to be approved by the Water Board. This would allow monitoring to be waived if there is no risk to groundwater.

Central Coast Water Board Response – The proposed General Order does provide some defined triggers for when the installation of groundwater monitoring wells would be required (see Waste Pile Management Facility Specification C.2); however, Water Quality Limitation E.2 serves as a general tool for the Central Coast Water Board to require additional monitoring for unforeseen circumstances. This Water Quality Limitation was included in the expired conditional waiver (Order No. R3-2010-0036, Attachment C, section C.2). To date, the Executive Officer has not required the installation of groundwater and surface water monitoring devices per this section of the expired conditional waiver.

The proposed General Order does not prohibit operators from completing a detailed hydrogeologic investigation to demonstrate that all groundwater (including any perched zones or hydrogeologically connected aquifers) would be protected from discharges to land. Provided that an oilfield operator can make this demonstration, the potential for groundwater monitoring under the proposed General Order would be limited.

E&B Comment 9 – Lab Results: Operators will also be required to work with certified labs to receive their analytical results in the specified format in the draft order. This may come at an additional expense to the Operator. Certified lab results delivered to Operators typically are in .pdf format to prevent the possible overwriting of data. The General Order should allow for the .pdf format of analyticals due to the limitations of the Operator.

Central Coast Water Board Response – The Environmental Laboratory Accreditation Program (ELAP) mission is to implement sustainable accreditation program that ensures laboratories generate environmental and public health data of known, consistent, and documented quality. All analytical data required by permits issued by the Central Coast Water Board require the use of ELAP certified laboratories. Under the expired conditional waiver program, E&B Natural Resources (E&B) contracted Oilfield Environmental and Compliance, Inc. (OEC) to analyze waste soils sample for the chemical characterization. OEC is an ELAP certified laboratory. Additionally, OEC appears to analyze water quality data for E&B as part of their NPDES permit. Therefore, Central Coast Water Board staff do not agree requiring the use ELAP certified laboratories will come at additional expense to oilfield operators.

Record Keeping Requirements section A.3.c of the proposed Monitoring and Reporting program R3-2020-0006 (Attachment A) requires that the discharger maintain results of analytical laboratory data in a database file or other delineated text file such as Microsoft Excel files (.xlsx, .xls, .dbf, .ods, etc.) or a delineated text (.txt, .csv, etc.) so that Central Coast Water Board staff may request the information in a useable format when necessary for analysis (e.g., construct graphs, run statistical analyses, etc.). Most laboratories offer electronic data deliverables in various file formats, including those listed above. Considering that laboratories offer this service and that chemical characterization is now reduced to two samples per waste stream annually, staff concludes that the cost to maintain the database are reasonable.

E&B Comment 10 – Definitions: While the draft order currently contains general descriptions of certain key terms within the body of the draft order, for quick and easy reference for Operators, we would like to see separate Definitions and Acronyms pages. While most terms are generally understood, some agencies employ different understandings for certain terms. To easily understand the Board's understanding for terms (i.e., Discharge, Source Load, Waste, Stabilization of Waste Soils, etc.) a reference page would help alleviate any misunderstandings or misinterpretations.

Central Coast Water Board Response – Much of the language contained in the proposed General Order is the same language contained in the expired conditional waivers. Terminology that is new to the proposed General Order is defined clearly in the text of the proposed General Order.

E&B Comment 11 – Operations in Multiple Counties: As stated previously, E&B has two WPMFs. One WPMF operates in our Russell Ranch field whose boundary extends into both, Santa Barbara County and San Luis Obispo County; the second WPMF operates in our South Cuyama field, located in Santa Barbara County, only. It is our understanding that beneficial reuse projects may only be constructed on properties within active oilfields where waste soils were derived, or per CCR Title 14, other active oilfield properties owned or leased by the same entity. Considering both of our WPMFs fall under the Central Coast Regional Water Quality Control Board (Region 3) rulemaking and regulatory activities, we would like the rule to allow for operators to submit an application for consideration of consolidation of mixing pad in nearby proximity (different oil fields) with approval by the Central Coast Water Board.

Central Coast Water Board Response – As written, the proposed General Order does not prohibit the use of a centralized waste pile management facility for two fields operated by the same owner as long as both the waste pile management facility and beneficial reuse projects are sited on active oilfield leases or fee properties.

Jeff Johnson, Health, Environment, and Safety Advisor – Water for Chevron North America Exploration and Production Company

Chevron Comment 1 – General Order: Given the availability of other existing or proposed general orders for waste pile management activities, we recommend the

addition of an applicability section to the WDR Order that acknowledges an operator's ability to seek coverage under such orders, as applicable, in lieu of this WDR Order.

These orders include, but may not be limited to:

- a. SWRCB Order 2003-0003-DWQ - Statewide General Waste Discharge Requirements for Discharges to Land with Low Threat to Water Quality.
- b. SWRCB Administrative Draft General Waste Discharge Requirements for Aggregate and/or Concrete Facilities.
- c. CC RWQCB Order No. R3-2019-0089 - General Waiver of Waste Discharge Requirements for Specific Types of Discharges; and
- d. CC RWQCB Order No. R3-2017-0042 - Waste Discharge Requirements for Discharges with Low Threat to Water Quality.

Central Coast Water Board Response – It is the intent of this proposed General Order to regulate the discharge petroleum impacted soils to land as described in Finding 1 of the proposed General Order. As described in Finding 4 and Finding 5 of Attachment B to the proposed General Order, the Central Coast Water Board has determined the discharge of petroleum impacted soils to a centralized facility within an active oil field meet all the criteria defined in Water Code section 13263(i) for the prescription of a general order. Therefore, all oilfield operators within the jurisdictional boundaries of Region 3 discharging petroleum impacted soils to a centralized facility in an active oil field will be required to attain coverage under the proposed General Order. By regulating these activities under a single general order, Central Coast Water Board staff can ensure consistency, such that all oilfield operators are held to the same protective standards and that no single oilfield operator may gain an unfair advantage by enrolling in a lower threat permit.

Chevron Comment 2 – Findings #1: Suggest using the term "solids" instead of the term "soils". The sources of "waste soils" described are actually waste "solids". Alternatively, consider adding an acknowledgement that as used herein "soils" may also qualify as "solids". Moreover, consider adding a sentence to the end of this Finding referencing the findings described in Attachment B. For example: "The waste subject to this General Order is more specifically described in Attachment B Reasons #17 and #22."

Central Coast Water Board Response – Central Coast Water Board staff does not recommend making any change in response to this comment. Central Coast Water Board staff recognizes that consistency in terminology between the regulated community and regulators is important but does not support the proposed change. Central Coast Water Board staff is concerned that the term "waste solids" may be confused with the term "solid waste" as defined in the Resource Conservation and Recovery Act which covers a much larger spectrum of materials. Additionally, the term "waste soils" has been the used since the first permit regulating this activity was adopted in 2005. Changing the terminology now will likely cause confusion amongst other oilfield operators.

Finding 4 of the proposed General Order references the additional findings included as Attachment B.

Chevron Comment 3 – Beneficial Reuse Project Specifications: Request clarification as to whether the beneficial reuse project specifications apply to re-use of crushed concrete aggregate.

Central Coast Water Board Response – The proposed General Order does not prohibit the use recycled aggregates such as crushed concrete as part of a beneficial reuse project. However, the proposed General Order does not regulate projects that do not include waste soils as defined in Finding 1 of the proposed General Order.

Chevron Comment 4 – Attachment A: As written, it appears that the Proposed Monitoring and Reporting program is silent on specific groundwater monitoring requirements. Consider including minimum expectations within the MRP for groundwater monitoring.

Central Coast Water Board Response – Groundwater monitoring requirements under the proposed General Order is limited to (1) an alternative to a demonstration of containment at a waste pile management facility or (2) when specifically directed by the Executive Officer. Based on a review of the facilities permitted under the expired conditional waiver, Central Coast Water Board staff does not anticipate requiring groundwater monitoring at any oilfield as part of this proposed General Order unless an operator selects this option as an alternative to demonstrating containment at a waste pile management facility. Rather than define prescriptive monitoring requirements in the MRP, the proposed General Order allows oilfield operators to develop site-specific monitoring networks and strategies through the submittal of a groundwater monitoring well installation and sampling plan. The minimum requirements for this plan are included in section B.12 of proposed General Order Attachment C.

Chevron Comment 5 – Attachment A – General Provisions: Request clarification as to whether each NOA issued by CCRWQCB will identify the GeoTracker Global ID that the Operator must claim in GeoTracker?

Central Coast Water Board Response – Yes, Central Coast Water Board staff will issue oil field operators who attain coverage under the proposed General Order a unique GeoTracker Global ID.

Chevron Comment 6 – Prohibitions #2: The term "waste", as used in this prohibition, implies a much broader scope and applicability of this Prohibition than we believe is intended. Suggest replacing the word "waste" with "petroleum-impacted soils" or "waste soils". Alternatively, at a minimum consider including language acknowledging potential exceptions to this prohibition. For example, at the end of "is prohibited" add "unless otherwise authorized by a separate General Order, Executive Officer approval, or other state and local agencies having jurisdiction over the waste".

Example 1: Is the intent of this prohibition to prohibit temporary accumulation of oil spill cleanup solids (petroleum-impacted soil) on land in the immediate vicinity of an oil spill

during clean-up operations prior to transportation and stockpiling in a waste pile management facility that will be covered by this General Order?

Example 2: Are waste concrete stockpiles and stockpiles of crushed concrete aggregate considered prohibited “waste” discharges? Will concrete and crushed concrete aggregate be considered “waste soils” that will be subject to the requirements of this WDR GO?

Currently, concrete and crushed concrete aggregate are not addressed in the definition of “waste soils” in FINDINGS 1.

Central Coast Water Board Response – Central Coast Water Board staff has revised the prohibition to recognize other permitted discharges are allowed. However, as stated in comment 1 above, Central Coast Water Board staff intends to regulate the discharge of waste soils to land at active oilfields under the proposed General Order.

In example 1, the temporary storage in the immediate vicinity of an oil spill during clean-up operations would be considered part of the cleanup activities. Central Coast Water Board staff would expect oilfield operators to relocate these waste soils to the waste pile management facility as soon as practicable. With regards to example 2, concrete stockpiles and stockpiles of crushed concrete aggregate do not meet the definition of waste soils (see Finding 1) and this proposed General Order does not provide coverage for stockpiling of this material. However, Central Coast Water Board staff do not currently consider these stockpiles a waste unless they were to be poorly managed (i.e., inadequate protections to restrict stormwater discharges) or have been contaminated with oilfield related waste constituents. Central Coast Water Board staff will direct oilfield operators to our NPDES permitting staff when necessary to address industrial stormwater discharges as described in this response. As with other generated wastes, oilfield operators are expected to dispose of contaminated concrete at appropriately designated waste disposal facilities.

Chevron Comment 7 – Prohibitions #3: Request modification of this requirement to only be applicable if the Operator is not the owner of the property. In other words, request modification that this requirement is only applicable to lands leased by Operators that are owned in fee by non-operator entities/individuals.

Central Coast Water Board Response – Central Coast Water Board staff included a modification in the proposed General Order Prohibition A.3. in response to this comment.

Chevron Comment 8 – Prohibitions #4: Request additional information to adequately determine this prohibition boundary. Request CC RWQCB provide links to available information or data that will enable an Operator to determine if an existing or proposed waste pile management facility is not located within five feet of the highest anticipated groundwater elevation (including perched groundwater). If the CC RWQCB does not expect operators to rely upon currently available information, request that clear expectations are established on how the Operator determines placement relative to

groundwater elevation (e.g., sampling) and frequency (e.g., is this a one-time evaluation or is it intended to be reassessed from time to time).

Central Coast Water Board Response – Central Coast Water Board staff are available to assist oilfield operators with technical issues as described in this comment; however, the Central Coast Water Board does not dictate the method of compliance. For example, highest anticipated groundwater elevations may be determined using several different types of information or methodology (e.g., published data and/or maps developed by government agencies or academic institutions, information from nearby regulated facilities, existing on-site groundwater monitoring wells, exploratory borings, etc.). Individual Dischargers may evaluate the options available and select the method most appropriate for their specific facility to comply with the proposed General Order.

Chevron Comment 9 – Prohibitions #8: Request revision to the first sentence of this Prohibition to include “waste pile management facility” such that it would read: “The placement of any waste in the waste pile management facility that does not meet the definition of waste soils in Finding 1 of this General Order...”

Request clarification as to whether it is the intent of the CC RWQCB to prohibit disposal of any waste that does not meet the definition of waste soils in Finding 1. Currently, it appears unclear if the intent of this prohibition is on-site disposal, off-site disposal, or temporary accumulation or storage in designated satellite waste accumulation areas. Suggest removing the following text: “This prohibition includes the placement of drums and/or containers of any liquids within the waste pile management facility.”

Central Coast Water Board Response – Central Coast Water Board staff included a modification in the proposed General Order in response to this comment. Central Coast Water Board staff revised Prohibition A.9 to specify that the “The disposal of any waste within the waste pile management facility that does not meet the definition of waste soils in Finding 1 of this proposed General Order, or that do not have written approval by the Executive Officer, is prohibited.” Central Coast Water Board staff does not agree that the proposed General Order should be revised to allow for the placement of drums and/or containers of any liquids within the waste pile management facility. The containment standards and demonstration requirements of this proposed General Order were designed for the temporary storage waste soils and not liquids storage.

Chevron Comment 10 – Prohibitions #11: Request clarification as to whether this prohibition is applicable to discharge of “waste soils” from waste pile management facilities.

As written, it currently appears that soil erosion and sediment deposition into dry ephemeral drainages could be viewed as prohibited, inconsistent with applicable requirements.

Suggested revision: The discharge of waste soils, including overflow, bypass, seepage, erosion, or overspray of solid wastes, liquid wastes, or leachate to waters of the state is prohibited.

Central Coast Water Board Response – Central Coast Water Board staff included a modification in the proposed General Order Prohibition A.12 in response to this comment.

Chevron Comment 11 – Prohibitions #12: Request clarification as to whether this prohibition is only applicable to ponding liquids that have a duration >48 hours. As written, it appears that ponding of water is prohibited yet an Operator has a 48-hour window to remove ponded water.

Additionally, request deletion of the term “treatment” to avoid confusion with other existing regulatory definitions applicable to treatment of waste.

Central Coast Water Board Response – Central Coast Water Board staff included a modification in the proposed General Order in response to this comment and removed the term "treatment from Prohibition A.13. Staff revised Prohibition A.13 to clarify that waste soil slurries imported to the waste pile management facilities shall be dewatered as soon as practicable and shall not exceed a timeframe of 48 hours from importation.

Chevron Comment 12 – Prohibitions #16: Recommend deletion of this prohibition as it appears to be subsumed within Prohibition #1. Alternatively, request the prohibition be revised as follows: “The beneficial reuse of waste soils that fail the toxicity waste characteristic [22CCR Section 66261.24] is prohibited.”

Central Coast Water Board Response – Central Coast Water Board staff disagree with the proposed deletion or revision to Prohibition A.17. It is appropriate that the proposed General Order prohibit the use of waste soils containing substances in concentrations toxic to human, plant, animal, or aquatic life. Materials can be toxic to human, plant, animal, or aquatic life without meeting the definition of a hazardous waste. This prohibition is included in many waste discharge requirements and waivers adopted by the Central Coast Water Board.

Chevron Comment 13 –General Specifications #1: Request clarification as to CC RWQCB’s expectations of "water quality management practices". If available, please include an official source of recommended BMP's. If not available, please provide additional information regarding expectations.

Central Coast Water Board Response – The proposed General Order requires complete containment at the waste pile management facility (section C.1 of the proposed General Order) and the implementation of project specific best management practices at beneficial reuse projects (section D.2 of the proposed General Order). Section D.2 of the proposed General Order also requires the submittal of a Site-Wide Beneficial Reuse Project Plan that specifies the individual management practices (MRP section B.1.a.iii.b provides examples of these management practices) and/or “Good and Workmanlike” standards (as defined in the *Good and Workmanlike Practices Guidance Handbook for Beneficial Reuse Projects and Waste Pile Management Facilities as Regulated by the Central Coast Regional Water Control Board*, prepared by Tracer

ES&T for the Western States Petroleum Association, October 2006) used for the individual projects. However, it is the oilfield operator's responsibility to identify management practices that are appropriate for each specific beneficial reuse project.

Chevron Comment 14 – General Specifications #4: As written it is unclear whether verification of the structural integrity and effectiveness of containment structures is accomplished with visual inspection or other means. Request clarification.

Central Coast Water Board Response – The proposed General Order includes requirements to ensure the structural integrity and effectiveness of containment structures (General Specifications B.4.c). At a minimum, Dischargers should conduct all visual inspections required under the associated monitoring and reporting program. Site-specific facilities may require additional efforts to confirm integrity or effectiveness. For example, if the waste pile management facility has a sump to collect and divert stormwater run-off, the sump-pump should be inspected prior to the rainy season to ensure that it is functioning properly.

Chevron Comment 15 – Waste Pile Management Facility Specifications #2: Request clarification as to the minimum number of groundwater monitoring wells required for a groundwater monitoring well installation and sampling plan. Alternatively, request clarification as to the factors that would be applicable in determining the appropriate number of wells.

Central Coast Water Board Response – As described in previous Central Coast Water Board staff responses, a groundwater monitoring well installation and sampling plan must only be submitted if the existing waste pile management facility does not provide complete containment. In these cases, the groundwater monitoring well network design is site and discharge specific (site geology, depth to groundwater, gradient, local groundwater pumping and use, etc.) and it would not be appropriate for Central Coast Water Board staff to make generalized recommendations or requirements related to the method of compliance.

Chevron Comment 16 – Waste Pile Management Facility Specifications #3: Request clarification as to how the CC RWQCB will incorporate newer management facilities in process with the CC RWQCB for which Executive Officer approval has not yet been received as of the date of this comment letter.

Central Coast Water Board Response – New waste pile management facilities include those that are constructed after the adoption of the proposed General Order. The proposed General Order includes requirements specific to new waste pile management facilities.

Chevron Comment 17 – Waste Pile Management Facility Specification #6: Request revision of this specification as it is not applicable where an Industrial General Permit is in place. Refer to Specification #8.

Central Coast Water Board Response – As specified by section C.1 of the proposed General Order, no water quality degradation from a waste pile management facility is permitted. The proposed General Order requires greater stormwater containment requirements than those required under the Industrial General Permit to ensure complete containment at waste pile management facilities.

Chevron Comment 18 – Waste Pile Management Facility Specifications #8: Request inclusion of additional language to acknowledge CalGEM jurisdictional considerations as they related to disposal wells. Additionally, to the extent that appropriate jurisdiction is being exercised by CC RWQCB, consider including language to acknowledge waste types permissible for disposal in a Class II disposal well. Alternatively, consider striking specific reference to Class II disposal and replace concept with “... or the collected stormwater is incorporated into an alternative disposal process appropriately permitted.”

Central Coast Water Board Response – The proposed General Order does not permit Class II injections wells, but rather directs operators to incorporate these fluids into their existing water disposal networks. Like vacuum truck washout facilities or tank cleanout sumps, waters impacted through contact with crude oil at active oil production facilities should be directed to the produced water disposal network. As the Order does not permit the construction or operation of any Class II underground injection control wells, Central Coast Water Board staff does not agree that the proposed additional language or alternative language is needed or appropriate.

Chevron Comment 19 – Waste Pile Management Facility Specifications #10: Request clarification as to how this will impact a Waste Generator using generator knowledge to ascertain waste characterizations consistent with all applicable waste program requirements within the jurisdiction of other agencies.

Central Coast Water Board Response – The chemical characterization requirements of this proposed General Order do not conflict with a waste generators ability to demonstrate generator knowledge under the Code of Federal Regulations (CFR), Title 40, Chapter 1, Subpart D, Section 261.3.

Chevron Comment 20 – Water Quality Limitations #1: Suggest an applicability Section to define which wastes (or types of wastes) are subject to this ORDER. Is it only "waste pile management facilities" that manage "waste soils" as defined? Or potentially any solid waste stockpile location? For EXAMPLE: 1) Waste Concrete / crushed concrete aggregate stockpile; 2) D&C Fluid Handling Facility Drill Cuttings / Mud stockpile area; and 3) Process related waste removal from process vessels temporarily managed on existing concrete containment pads.

WDR Section C.1 establishes the expectation that waste pile management facilities shall be constructed, maintained, and operated to contain all waste soils. Therefore, we suggest the following change to Section E.1: “1. This General Order requires the complete containment of waste soils at waste pile management facilities. Furthermore, the beneficial reuse of waste soils on active oil field properties shall not adversely impact waters of the state.”

As written, it is unclear whether the WDR GO limitation is that discharges shall not cause concentrations of constituents of concern to exceed Drinking Water Action Levels, Maximum Contaminant Levels (MCL's), or background concentrations in monitored media (surface water /groundwater). Request CC RWQCB provide guidance on how to establish background concentrations in monitored media.

Central Coast Water Board Response – Waste soils are defined in Finding 1 of the proposed General Order as all crude-oil impacted soils including, but are not limited to, tank bottom sludges, soils impacted by accidental spills, and produced sands. In accordance with Prohibition A.9, dischargers may seek approval from the Executive Officer to store materials not defined in Finding 1 of this proposed General Order at a waste pile management facility.

The proposed General Order requires complete containment at the waste pile management facility and best practicable treatment or control for individual beneficial reuse projects. In response to this comment, Central Coast Water Board staff include a modification in the proposed General Order Water Quality Limitation E.1 to specify that complete containment is only required at the waste pile management facility.

Chevron Comment 21 – Water Quality Limitations #4: Suggest CC RWQCB provide a reference or a link to the applicable water quality requirements contained in the Basin Plan.

Central Coast Water Board Response – Central Coast Water Board staff appreciates the comments but does not agree that additional references are necessary. This is standard language as all permitted discharges must comply with the Basin Plan.

Chevron Comment 22 – Provisions #1: Suggest CC RWQCB include a ramp up time allowance of 90 days to begin monitoring, as opposed to immediate implementation. Time will be required to prepare a Waste Soil Chemical Characterization and Sampling Plan and Groundwater Monitoring Well Installation and Sampling Plan.

Central Coast Water Board Response – Central Coast Water Board staff included a modification in the proposed General Order in response to this comment. Monitoring Requirements section A.1.a of Attachment A specifies that oilfield operators must submit a Waste Soil Chemical Characterization and Sampling Plan within 90 days of the Executive officer issuing an NOA. Groundwater Monitoring Well Installation and Sampling Plans will be handled on a case by case basis.

Chevron Comment 23 – Provisions #6: Suggest “Operational training procedures and completion documentation” be removed. The operating record is intended to be the system of record for the MRP monitoring requirements. No MRP requirement exists for operational training.

Central Coast Water Board Response – Central Coast Water Board staff modified the draft General Order in response to this comment and revised Provision F.6 of the draft

General Order to not require operational training procedures and completion documentation.

Chevron Comment 24 – Provisions #15: Request that this provision be modified to remove specific requirements for two parties involved in a private contracting arrangement (e.g., proscribing how an operator and fee landowner will structure their legal obligations). Additionally, request modification to the requirement for who is responsible for recording the deed notice. This should be decided amongst the parties after reviewing and considering applicable legal requirements unrelated to the CC RWQCB's program oversight (e.g., "a deed notice shall be filed in accordance with applicable requirements").

Central Coast Water Board Response – The language in Provision F.15 has been in place since the first permit regulating these activities were adopted in 2005. Central Coast Water Board staff disagrees that the provision prescribes how an operator and fee landowner will structure their legal obligations, rather it requires a demonstration of agreement on post closure responsibilities between both parties. If deed restrictions are necessary, the proposed General Order directs the oilfield operator to file the notice as they are the responsible party enrolled under the proposed General Order.

Chevron Comment 25 – Provisions #21: Suggest replacing "at least 1 week" with "within 60 days" to be consistent with Provisions #15.

Central Coast Water Board Response – Central Coast Water Board staff does not recommend making any change in response to this comment. The purpose for the short 1-week submittal window is to allow ownership transfer to remain private until they are nearly certain to proceed, while also ensuring that coverage under the proposed General Order will be maintained throughout the transfer of ownership. Water Board staff clarified the language in Provision F.20 to indicate notification is required within seven days following a change of ownership.

Chevron Comment 26 – Monitoring Requirements Waste Soil Chemical Characterization Sampling Plan A #1. a: As written, it is unclear whether CC RWQCB Constituents of Concern are intended to characterize the waste soil as a hazardous waste per 22 CCR §66261.3. If yes, then a more focused chemical analysis suite along that line should be considered.

Central Coast Water Board Response – Monitoring Requirements section A.1.a establishes the minimum list of constituents to be sampled for compliance with the proposed General Order. This is the same list of constituents required by the expired conditional waiver program, excluding polychlorinated biphenols (PCBs), which were not detected in any samples collected as part of the expired conditional waivers monitoring program. Additional constituents will be added as necessary through Executive Officer authority.

Chevron Comment 27 – Monitoring Requirements, Waste Soil Chemical Characterization Sampling Plan A3 #1. b: Request clarification as to the need to have

Executive Officer approve deviations from approved waste soil sampling plan. Dischargers should be provided with some latitude for unique chemical characterization needs based on Generator knowledge or for as yet unknown waste characteristics. Suggest including a 60-day requirement to resubmit the Waste Soil Chemical Characterization Sampling Plan for approval when deviations and/or changes to the plan are made.

Central Coast Water Board Response – Central Coast Water Board staff does not recommend making any change in response to this comment. Central Coast Water Board staff will coordinate with oilfield operators to ensure that sampling yields representative and useful data. If deviations to the sampling plan are necessary, Central Coast Water Board staff will work with the oilfield operator to attain timely review. However, allowing oilfield operators to make changes to an approved sampling plan and notify Central Coast Water Board staff within 60 days does not provide sufficient protections or allow for regulatory review and/or consideration.

Chevron Comment 28 – Monitoring Requirements, Facility Inspections - Storm Water Management Features A. 2.b: Request clarification on how to quantify flow rate.

Central Coast Water Board Response – Central Coast Water Board staff modified the Attachment A in response to this comment and revised the visual inspection to require a volume and duration estimation rather than a flow rate.

Chevron Comment 29 – Monitoring Requirements, Facility Inspections – Repairs A.2.d: Propose to delete: “...within 30 days of the visual inspection, or...”

Central Coast Water Board Response – Central Coast Water Board staff does not agree that the requirement to repair stormwater containment and/or diversion features within 30 days of an observed issue should be removed.

Chevron Comment 30 – Record Keeping Requirements b.: Instead of calling out limited agencies who might have jurisdiction to review the logbook, consider revising to say “The logbook shall be made available for inspection to Central Coast Regional Central Coast Water Board and all other federal, state, and local agencies who have jurisdiction over the activities outlined in the logbook.”

Central Coast Water Board Response – Central Coast Water Board staff revised section A.3.b of the MRP in response to this comment. The revised language indicates, “The logbook shall be made available for inspection to Central Coast Regional Central Coast Water Board and all other federal, state, and local agencies with regulatory authority over oilfield activities.”

Chevron Comment 31 – General Findings #2: Recommend CC RWQCB provide a link to a MAP that illustrates the locations of Disadvantaged Communities within 1mile from CalGEM Central Coast Oil Field Administrative Boundaries.

Central Coast Water Board Response – Because Disadvantaged Communities (DAC) are defined using dynamic census data and a community’s status may change, including a map of current DACs may yield inaccurate information. However, Central Coast Water Board staff has revised the finding to include a link to the Department of Water Resources DAC mapping tool to address this comment.

Chevron Comment 32 – Application Process #14: Suggest the text be revised as follows: “...waste pile management facility liner, ~~and the location and condition of all past beneficial reuse projects.~~”

Central Coast Water Board Response – Central Coast Water Board staff does not agree with the proposed revision. Tracking beneficial reuse projects was required by the expired conditional waivers. Asking operators to identify past projects so that Central Coast Water Board staff may ensure their inclusion in the visual inspection reporting required by the proposed General Order is appropriate.

Chevron Comment 33 – Monitoring and Reporting Program, #28: There appears to be a typographical error referencing Finding 35. Finding 41 appears to be the correct reference. Suggest revising accordingly.

Central Coast Water Board Response – Central Coast Water Board staff have included modifications in the proposed General Order to identify the appropriate references after final revisions. The estimates for cost of compliance are described in Finding 36 (General Order, Attachment B).

Chevron Comment 34 – General Information B.12: Request confirmation that this provision applies prospectively and shall not be applied retroactively to such facilities operators have either proposed for construction or initiated construction on prior to the issuance of the final general order.

Central Coast Water Board Response – The purpose of this information request in the NOI is to determine if the waste pile management facility is located within a 100-year flood area and if so, document the design features in place to prevent inundation. This information is necessary irrespective of the construction status.